

SSB 6365: AN ACT Relating to
Weights and Measures Program Fees
Effective July 1, 2006, except Section 2 effective July 1, 2007

Brief Overview of Agency Program:

The state Weights and Measures program regulates the use and accuracy of all commercial weighing, measuring and counting devices in the state, except for those in the cities of Seattle and Spokane, which carry out most of these duties within their jurisdictions. Major categories of devices include gas pumps and grocery store scales. Other examples are truck scales, home oil heating truck meters, bulk petroleum meters and LPG meters. Staff inspect and test these devices for accuracy and suitability for service. Staff also inspect price scanner systems for accuracy and packaged commodities for correct content, labeling, and pricing and investigate consumer complaints in commercial transactions.

The program operates the state metrology laboratory, which houses the official state standards of weights and measures, and provides calibration services to businesses, laboratories, and government entities. The program licenses individuals who provide third-party weighing services and registers service agents who repair, test and put rejected devices back into service. The program monitors motor fuel quality by analyzing fuel samples for octane, oxygenate and other product quality factors.

The program carries out its activities with nine field inspectors, one metrologist and 2 FTEs in management/administrative support. The program is funded by registration, licensing and testing fees, the state general fund and, for motor fuel quality testing, the state motor vehicle account.

Statement of Need:

Fair trade at all levels of commerce depends on uniform measurement standards and accurate weighing and measuring devices. An effective weights and measures program is essential for consumer protection and for fair competition in the marketplace.

After a history of funding the state weights and measures program from the state general fund, a move to a funding base that relied primarily on fees began in 1990. In 1995, the current funding structure of the program was established with most of the funding to be provided by new device registration fees that were set in statute. Fees were set based on an estimate of 44,000 commercial devices with the expectation that the number of inspections during a two-year period would equal 44,000. The statutory requirement to inspect every device at least once every two years was eliminated to give WSDA the flexibility to focus its resources in areas that needed more attention. Non-device inspection activities were to be carried out using the state general fund appropriation.

The number of devices has increased steadily over the past 10 years. In 1999, there were 55,900 registered devices; by April 2005, the number of registered devices stood at 67,600. While the revenues from the greater number of registered devices have sustained the program at current staff

levels, to maintain an annual number of inspections at 22-24,000 devices, the program has used its GF-S appropriation to help fund these inspections and has focused its inspection activities not on areas that need most attention but on those devices that impact and are visible to the greatest number of consumers.

Device Inspection Summary

Device Type	Number registered	Devices Inspected	% Inspected	% Rejected
	<i>April 2005</i>	<i>CY04</i>		<i>03-05 ave*</i>
Small Scale (0-400 lbs capacity)	15,686	4,243	27%	9.5%
Intermediate Scale (401-5,000 lbs)	613	73	12%	6.6% **
Large Scale (5,000+ lbs)	1,526	129	8%	21.2% **
Railroad Track Scale	28	14	49%	16.6%
Liquid Fuel Meter (0-20 gal volume)	46,427	17,964	39%	8.9%
Liquid Fuel Meter (21-150 gal)	1,186	156	13%	18.4% **
Liquid Fuel Meter (151+ gal)	242	12	5%	0.0% **
LPG Meter – Small	931	89	10%	31.8% **
LPG Meter – Large	303	41	13%	19.6% **
Other	666	2	0%	0.0% **
TOTAL	67,608	22,722	34%	

* Based on inspections completed 1/1/03-6/30/05.

** Number inspected too small to generalize rejection rate.

WSDA's **inspection frequency** is significantly lower than the national average. In a survey that summarized inspection activities of 40 states in 2002, the average inspection frequency ranged from 1.0 to 1.5 years for 11 types of devices. WSDA's highest inspection frequencies are 2.0 years for railroad scales, 2.5 years for low-volume liquid fuel meters (gas pumps), and 3.7 years for small scales, with other device types rarely, if ever, inspected.

WSDA's **rejection rates** are higher than the national average. The national survey of other states showed average failure rates of 6.9% for all types of scales and 6.6% for gas pumps. In the last 2½ years, the failure rates in Washington averaged 9.5% for small scales and 8.9% for gas pumps.

The current fee structure does not generate sufficient funding to operate a weights and measures program that adequately protects consumers and ensures fair competition among businesses. SSB 6365 addresses this funding issue by increasing most program fees to provide the resources to increase device inspection frequency and improve accuracy of devices.

Currently, the equivalent of 6.5 of WSDA's nine field inspectors conduct device inspections. The funding provided through SSB 6365 will allow WSDA to add five field inspectors and significantly increase inspection frequency. With 6.5 FTEs it would take an estimated 49 months to inspect 67,608 devices; with an additional five field inspectors, it will take about 28 months to inspect this number of devices.

Major Provisions of the SSB 6365 / Impact on Current Law:

1. Increases most device registration fees in two steps. (Section 1 and 2)

The bill increases the device registration fees in all categories except railroad track scales. In FY05, device registration fee revenues totaled \$499,773. The increased fees will generate about \$215,000 in the first year and about \$429,000 annually starting in the second year.

Device Type	Number registered 2007 est*	Current Fee	Fee, effective 7/1/06	Fee, effective 7/1/07
Small Scale (0-400 lbs capacity)	16,361	\$ 5.00	\$ 7.50	\$ 10.00
Intermediate Scale (401-5,000 lbs)	604	20.00	30.00	40.00
Large Scale (5,000+ lbs)	1,522	52.00	63.50	75.00
Railroad Track Scale	26	800.00	800.00	800.00
Liquid Fuel Meter (0-20 gal)	48,417	5.00	7.50	10.00
Liquid Fuel Meter (21-150 gal)	1,176	16.00	24.00	32.00
Liquid Fuel Meter (151+ gallon)	214	25.00	37.50	50.00
LPG Meter – Small	929	10.00	17.50	25.00
LPG Meter – Large	330	30.00	40.00	50.00
Fabric Meter	50	5.00	7.50	10.00
Cordage Meter	139	5.00	7.50	10.00
Mass Flow Meter	17	14.00	107.00	200.00
Taxi Meter	475	5.00	15.00	25.00
TOTAL	70,261			

* Projects an annual 2% increase in device registrations.

SSB 6365 will also affect revenues received by the cities of Seattle and Spokane. In 2004, Seattle received \$45,800 (15% of its total program budget) and Spokane received \$14,800 (8% of its budget) in registration fees from the state. SSB 6365 will approximately double the annual registration fee revenues received by the two cities.

2. Increases weighmaster and service agent fees. (Section 3, 4 and 5)

Increases license fees for weighmasters and weighers and the registration fee for service agents.

	Number licensed / registered	Current Fee	Fee, effective 7/1/06	Total new revenues
Weighmasters	362	\$ 20.00	\$ 50.00	\$ 10,860
Weighers- Estimated 4 per weighmaster	1,448	5.00	10.00	7,240
Service Agent Technicians	450	80.00	160.00	36,000
				\$ 54,100

3. Requires reports from the Department of Agriculture. (Section 6 and 7)

SSB 6365 requires the department to convene quarterly meetings of its weights and measures advisory committee to monitor implementation of the bill and to report any recommended changes to implementation by December 1, 2006. It also requires a status report in December 2007.

For more information, contact:

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